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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,563	10/30/2003	Andrew Huibers	P113-US	1117
7590	09/13/2005		EXAMINER	
Gregory R. Muir Reflectivity, Inc. 350 Potrero Avenue Sunnyvale, CA 94085			DINH, JACK	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/698,563

Applicant(s)

HUIBERS ET AL.

Examiner

Jack Dinh

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22, 63, 64, 66-74, 127, 128 and 130-133 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 13, 16, 17, 22, 63, 64, 66, 67 and 69-74 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 8-12, 14, 15, 18-21, 68, 127, 128 and 130-133 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACTION</u> .      |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The indicated allowability of claims 8-12, 14, 15, 18-21, 127, 128 and 130-133 is withdrawn in view of the newly discovered informalities.

### ***Claim Objections***

2. Claims 8-12, 14, 15, 18-21, 68, 127, 128 and 130-133 are objected to because of the following informalities. Appropriate correction is required.

Regarding claims 8, 9, 68 and 132, the term “filed” is misspelled. It should be spelled as “field”, as apparent.

Regarding claim 8, “a first electrode” is disclosed without disclosing a second electrode.

Regarding claim 9, “a second electrode” is disclosed without disclosing a first electrode.

Claims 10-12 are objected based upon the objected base claim 9. The Examiner suggests to rewrite claim 9 to depend on claim 8 to correct this issue.

Regarding claim 14, “a first gap” is disclosed without disclosing a second gap.

Regarding claim 15, “a second gap” is disclosed without disclosing a first gap.

Regarding claim 18, “a first stop” is disclosed without disclosing a second stop. Claim 19 is objected based upon the objected base claim 18.

Regarding claim 20, “a second stop” is disclosed without disclosing a first stop. Claim 21 is objected based upon the objected base claim 20.

Claims 127, 128 and 130-133 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1, 5-7, 9, and 13, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### *Allowable Subject Matter*

3. Claims 1-7, 13, 16, 17, 22, 63, 64, 66-67 and 69-74 are allowed. Claims 8-12, 14, 15, 18-21, 68, 127, 128 and 130-133 are objected to but would be allowable if rewritten to overcome the above mentioned informalities. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 1, the prior art fails to disclose that the mirror plate is attached to a hinge that is supported by a post of the plurality of posts on the substrate, and wherein the mirror plate and hinge are separated by a gap in a direction perpendicular to the mirror plate when the mirror plate is parallel to the substrate.

Regarding claims 63, the prior art fails to disclose that each side of the mirror plate is at an angle of from 5 to 25 degrees to the two predominant sides of the rectangular substrate.

### *Conclusion*

4. This application is in condition for allowance except for the formal matters described above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800